

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50945 of 2022

Arising Out of PS. Case No.-328 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. Ajay Kumar @ AJAY RAY S/o Ramnath Ray Resident of Mohalla- Saguna More, Kharanja Road, P.S.- Danapur, District- Patna.
 2. Ranjit Singh @ Ranjit Kumar S/o Late Arun Singh Resident of Mohalla- New Mobarakpur, P.S.- Shahpur, and District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-10-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Excise
P.S. Case No. 328 of 2022 registered for the offence under
Section 30(a)/56(b) of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioners are named in the F.I.R. and
are in custody since 14.06.2022.

The allegation against the petitioners is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there



was recovery of 225 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that petitioner no. 1 is the driver whereas, petitioner no. 2 is cleaner/helper of the alleged vehicle from where illicit liquor was recovered. It is further submitted that nothing surfaced during the course of investigation which may suggest that petitioners were under knowledge to carry consignment of illicit liquor and as such it cannot be said that recovery of alleged illicit liquor was made from conscious physical possession. It is also submitted that seizure list appears disputed as same is not supported by independent witnesses rather by police personnels. While concluding the argument, it has been submitted that both petitioners are men of clean antecedent and moreover, investigation of this case has been completed, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor is not appearing from physical possession in the background of disputed seizure list coupled with the fact that charge-sheet has been submitted, let the both petitioners, above named, are directed to be released



on bail in connection with Excise P.S. Case No. 328 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court No. 3, Gaya/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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